

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRED REEVES,

Plaintiff,

v.

Case No. 06-10326

DEBORAH WALLINGTON, DAVE SIVIK,
KAREN KEDRON, LINDA SHARP,
KAREN PETERS, DAVID LEMMA, D. SVENSEN,
HEATHER BAILEY, LYNN DEVOOGHT,
LARRY ALEXANDER, and DR. JOSEPH BURTCH,

HONORABLE AVERN COHN

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND
GRANTING DEFENDANTS' MOTION TO REVOKE PLAINTIFF'S IN FORMA
PAUPERIS STATUS
AND
DIRECTING PLAINTIFF TO PAY THE FILING FEE WITHIN THIRTY (30) DAYS

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Fred Reeves, a state inmate, sued several defendants claiming that they were deliberately indifferent to his serious medical needs. The matter was referred to a magistrate judge for all pretrial proceedings. Following dispositive motions and a report and recommendation adopted by the Court, the following defendants remain in the case: Dave Sivik; Deborah Wallington, and Karen Kedron.

Sivik, Wallington, and Kedron filed a motion to revoke plaintiff's in forma pauperis

(IFP) status based on the “three strikes” provision under 28 U.S.C. § 1915(g). In the meantime, the Court appointed counsel for plaintiff who has indicated that should plaintiff’s IFP status be revoked, counsel will advance the filing fee. The magistrate judge issued a report and recommendation (MJRR)¹ recommending that the motion be granted.

Plaintiff has not objected to the MJRR. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED by the Court. Defendants’ motion to revoke plaintiff’s IFP status is GRANTED. Plaintiff shall pay the \$350.00 filing fee within thirty (30) days or face dismissal of the case.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 17, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160

¹The magistrate judge issued the MJRR on September 25, 2007 which incorrectly states that plaintiff must pay the filing fee of \$250.00, instead of \$350.00. The magistrate judge issued an Amended MJRR on October 16, 2007 which simply corrects the filing fee.